

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 JAMES H. HAYES,

5 Plaintiff,

6 v.

7 CITY OF LAS VEGAS, *et al.*,

8 Defendants.
9

Case No. 2:20-cv-02122-RFB-BNW

ORDER

10 Presently before the Court is Plaintiff's Motion for a Status Check (ECF No. 56).

11 Plaintiff's motion raises the following issues:

- 12 1) The status of service on the Mirage Hotel and Casino: On November 22, 2003, proof
13 of service of the summons and complaint on MGM/Mirage Hotel and Casino was
14 filed. Therefore, the Court finds that this issue is moot.
- 15 2) Plaintiff asserts that his First Amended Complaint (ECF No. 50) misstates an essential
16 fact. To the extent that Plaintiff seeks to correct the allegation in this motion, the Court
17 denies the request. The Court cannot refer to a prior pleading or to other documents to
18 make his amended complaint complete. The amended complaint must be complete in
19 and of itself without reference to prior pleadings or to other documents. Therefore, if
20 Plaintiff wishes to correct the factual allegations, he must file a motion to amend the
21 complaint in accordance with Federal Rule of Civil Procedure 15 and Local Rule 15-1.
- 22 3) Plaintiff accurately asserts that he did not receive a summons for Defendant Aaron
23 Ford (Nevada Attorney General). On September 18, 2023, the Court ordered the filing
24 of Plaintiff's First Amended Complaint against the named Defendants. However,
25 Aaron Ford was inadvertently left of the list of defendants in the caption of the docket.

26 **Conclusion**

27 **IT IS ORDERED** that Plaintiff's Motion for a Status Check (ECF No. 56) is **GRANTED**
28 **in part and DENIED in part** as stated in this order.

1 **IT IS FURTHER ORDERED** that the Clerk of the Court add Aaron Ford, Nevada
2 Attorney General, as a named defendant on the docket.

3 **IT IS FURTHER ORDERED** the Clerk of the Court will send Plaintiff a blank USM-
4 285 form. Plaintiff shall have thirty (30) days to fill out the required USM-285 form and send it to
5 the U.S. Marshals Service. Plaintiff must fill in defendant Aaron Ford's last known address on the
6 USM-285 form.

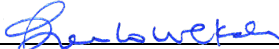
7 **IT IS FURTHER ORDERED** that the Clerk of the Court issue a summons for Aaron
8 Ford, Nevada Attorney General.

9 **IT IS FURTHER ORDERED** that the Clerk of Court serve a copy of this order, the
10 issued summons, and the operative complaint (ECF No. 50) on the U.S. Marshals Service.

11 **IT IS FURTHER ORDERED** that upon receipt of the USM-285 form, the U.S.
12 Marshals Service shall, in accordance with Federal Rule of Civil Procedure 4(c)(3), attempt
13 service on the defendant.

14 **IT IS FURTHER ORDERED** that, within 90 days of today's order, the U.S. Marshals
15 Service shall file the summons returned as executed or a notice indicating why service has not
16 been effectuated.

17 DATED: November 29, 2023

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19 
20 BREND A WEKSLER
21 UNITED STATES MAGISTRATE JUDGE
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